THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 22389 of 2005

14-10-2005

Between:

1 Guggilam Seetharamanjaneyulu, S/o. Subba Rao
Maddipadu (M), Prakasam DIstrict, and others.

..... PETITIONERS

AND

1. The Enforcement Deputy Tahasildar of Civil Supplies Department,

Ongole-II, Prakasam District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 22389 of 2005

O R D E R :

Heard both sides.

This writ petition is filed seeking a Writ of Mandamus to declare the proceedings dated 16-04-2005 issued by the 2nd respondent-Joint Collector seizing the stock of 334 bags (220.80 quintals) of rice belonging to the petitioners as illegal and arbitrary, and consequently, to set-aside the auction notice issued by the r 4th respondent in Rc.A/596/2005, dated 30.09.2005 pursuant to the proceedings of the 2nd respondent.

It is the case of the petitioners that they have not violated any Control Order, which warrants confiscation of the seized stocks. Admittedly, a case under Section 6-A of the Essential Commodities Act (for short 'the Act') is pending consideration before the 2nd respondent-the Joint Collector. Therefore, it is for the respondents to consider the same and pass appropriate orders in accordance with law.

But however, having regard to the facts and circumstances, without going into the merits of the case, it is expedient to dispose of the writ petition directing the 2nd respondent to dispose of the case filed under Section 6-A of the Act, after giving opportunity to the petitioners, within a period of six weeks from the date of receipt of a copy of the order. It is further directed that the respondents shall not sell the seized stocks pending disposal of the 6-A proceedings.

Subject to the above directions, the writ petition is disposed of. No costs.

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14-10-2005

Mjl/*